

EXHIBIT 4

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FIREMAN'S FUND INS.,

Plaintiff,

v.

GERLING AMERICAN INS.,

Defendant.

No. C 07-06302 CRB

**ORDER GRANTING MOTION FOR
LEAVE TO FILE SECOND
AMENDED ANSWER**

Defendant's motion for leave to file a second amended answer is GRANTED. Even assuming that granting the motion would affect the Court's analysis of Plaintiff's motion to compel, it could only do so by limiting the amount of discovery Plaintiff must conduct. Although amendments that necessitate additional discovery can cause prejudice – depending on the stage of the litigation – amendments that streamline the issues do not result in the kind of “prejudice” envisioned by Forman v. Davis, 371 U.S. 178, 182 (1962).

IT IS SO ORDERED.

Dated: July 11, 2008



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE